

## MINUTES

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, DECEMBER 13, 2005  
6:00 P.M.**

**1.0 CALL TO ORDER** – Mayor Pro Tem Klink called the meeting to order at 6:04 p.m.

**PLEDGE OF ALLEGIANCE** – Councilmember Benton led the Pledge of Allegiance.

**INVOCATION** – Pastor Frank Ferrandino, First Assembly of God gave the Invocation.

**ROLL CALL** – The following City Councilmembers were present: Benton, Klink, Spear Mayor Cole (arrived at 6:16 p.m.) Councilmember Bernal had an excused absence.

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS** – None

**3.0 ANNOUNCEMENTS**

3.1 Mayor Pro Tem Klink announced that these proceedings would be televised on Cable T.V., Channel 6, as follows: Wednesday, December 14, 2005 at 7:00 p.m. and Saturday, December 17, 2005 at 3:00 p.m.

**4.0 PUBLIC COMMENTS**

4.1 Dee Richhart, President of the Chamber of Commerce spoke to the City Council regarding the Blue Star Memorial Highway Markers that were dedicated on Veteran's Day.

Granton Mark said that the berms within the City look terrible. He then spoke in favor of medical marijuana.

Owen Gillick wanted to inform the City Council on behalf of Mrs. Reid, that Retired General Ernie Reid has been diagnosed with terminal brain cancer and currently in hospice. He then spoke in favor of the Bucky Bucklin Park project.

**5.0 CITY COUNCIL COMMENTS**

Councilmember Benton said he had the great pleasure of riding in the Toys for Tots Motorcycle run. He spoke of how well attended the light parade was on Saturday night. He talked about what a pleasure it was last weekend to attend the Square Lighting and Christmas Parade in Prescott, Arizona. He then reminded the public that the Chamber of Commerce mixer will be held this Thursday, December 15, 2005 at Roughly Manor. He then wished the public a very Merry Christmas and a safe holiday season.

Councilmember Steve Spear read a statement to the audience. See Exhibit "A".

Mayor Pro Tem Klink spoke of a meeting he attended along with four other cities at the Desert Mountain Division, League of California Cities regarding Off Highway Vehicle (OHV). He said that they were going to come up with new solutions that will accommodate the riders and citizens of the communities. He then wished everyone a very Merry Christmas and a very happy and safe New Year. He reminded the public to have a designated driver should they be out on New Years Eve.

Mayor Cole spoke regarding the meeting between himself, Community Development Director, Alex Meyerhoff (Director Meyerhoff) and the Director of Caltrans. They discussed the turn lane in the 70800-block area off of Highway 62, the Downtown Circulation Plan and the turn lane in front of the Stater Bros off of Highway 62. Mayor Cole said that he felt it was important to keep the citizens informed of the where these projects are going. He then reminded the citizens to shop local and wished everyone a very Merry Christmas. He then thanked Councilmember Spear for his kind words and said that it is an honor to serve as Mayor again.

#### **CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

- 6.1 Waive the Reading of Ordinance and Approve the Reading by Title Only  
RECOMMENDATION: The City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
- 6.2 Warrant Register  
RECOMMENDATION: Receive and file register totaling \$ 719,814.35
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the November 22, 2005 meeting.
- 6.4 Treasurer's Report – September 2005  
RECOMMENDATION: Receive and file.
- 6.5 Chamber of Commerce Report - November 2005  
RECOMMENDATION: Receive and file.
- 6.6 Resolution Denying Transfer of the Cable TV Franchise  
RECOMMENDATION: The City Attorney's office recommends that the Council deny the request for transfer of the Cable TV franchise Adelphia to Time Warner Comcast utilizing the attached resolution.
- 6.7 Elaine Bernal's Leave of Absence  
RECOMMENDATION: The City Council approve Councilmember Bernal's leave of absence.
- 6.8 PC 05-100 – An application by the City of Twentynine Palms for Site Plan Approval for the Knott's Sky Park Master Plan, Located at 6801 El Sol Avenue, Zone P (Public), Section 31, APN 616-041-05.  
RECOMMENDATION: The City Council accept the Master Plan.

- 6.9 Submission of Applications for the Fiscal Year 2006-2007 Community Development Block Grants (CDBG)  
RECOMMENDATION: The City Council approve the submission of projects for the Community Development Block Grants (CDBG) for fiscal year 2006-2007.
- 6.10 Approval of Acceptance of the Roberti-Z'Berg-Harris Grant from the State of California for the Development of Bucky Bucklin Park  
RECOMMENDATION: The City Council approve the acceptance of \$233,000 in Roberti-z'Berg-Harris grant funds from the State of California for the development of Bucky Bucklin Park.
- 6.11 Annual Financial Statement  
RECOMMENDATION: The City Council receive and file the financial report.
- 6.12 Redevelopment Agency (RDA) Annual Financial Report and other Required Reports.  
RECOMMENDATION: The Redevelopment Agency Board Members receive and file the following reports A) The RDA financial statements for the year ended June 30, 2005, B) The Annual Financial Transactions Report to the State Controller, C) The Statement of Indebtedness that was prepared for County Auditor/Controller, D) The Housing Activities Report, E) The Blight Elimination Report.
- 6.13 Approve the Awarding of the Skateboard Park Second Phase to J.P.G.C. in the amount of \$129,077  
RECOMMENDATION: The City Council approve the awarding of the concrete work for the second phase of the Luckie Park Skateboard Park to Joe Putrino of J.P.G.C. in the amount of \$129,077.

Eva Kinsman, Twentynine Palms spoke in favor of Item 6.10, the Development of Bucky Bucklin Park.

Ray Kinsman, Twentynine Palms, spoke in favor of Item 6.10, the Development of Bucky Bucklin Park.

Owen Gillick, Twentynine Palms, spoke in favor of Item 6.10, the Development of Bucky Bucklin Park.

Mayor Pro Tem Klink asked to review the Master Plan for Bucky Bucklin Park with Community Services Director Randy Councill.

Mayor Cole pulled Item 6.6 for discussion.

Councilmember Spear pulled Item 6.7 for discussion and abstained from Item 6.2, check #38082 for possible conflict of interest.

On a motion of Councilmember Benton, seconded by Mayor Pro Tem Klink and carried with a 4-0-1 (Bernal absent) roll call vote, the City Council approved the balance of the consent calendar.

**6.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS**

Item 6.6: Mayor Cole opened Item 6.6 for discussion and stated that on advise from the City Attorney, this Item be continued to the first meeting in January.

Granton Marks, Twentynine Palms, asked for the specifics on this Item and then asked if Time Warner/Comcast was trying to buy out Adelphia.

Mayor Cole said that Mr. Marks should see the City Manager for more details on this item.

On a motion made by Councilmember Spear, seconded by Councilmember Benton and carried with a 4-0-1 (Bernal absent) voice vote, the City Council continued this Item to the January 10, 2006 City Council meeting.

Item 6.7: Jim Harris, Twentynine Palms, spoke about Elaine Bernals leave of absense and stated that he was not aware that Councilmembers were paid except for their expenses. He said that he had concerns regarding the stipend being paid to a Councilmember who was not participating in City business. He then asked the Council if they considered stopping the stipend.

Mayor Cole said that he was not sure what amount was quoted on the radio, but the amount paid is \$450.00 a month and that included two meetings a month.

City Manager Swigart said that the City Council is paid regardless of their attendance.

Councilmember Spear said that there is no mechanism in place to stop the stipend.

Nicole Panter, Twentynine Palms, spoke in opposition of Councilmember Bernal's leave of absence.

Granton Mark, Twentynine Palms, spoke in favor of granting Councilmember Bernal's leave of absence.

Holly Griffin, former resident of Twentynine Palms spoke in favor of granting Councilmember Bernal's leave of absence.

D.J. Masker, Twentynine Palms, spoke in favor of granting Councilmember Bernal's leave of absence.

Councilmember Spear said that he would not be bullied or pushed into something that would undo what the people of our community have done. He believes that Councilmember Bernal should remain on the City Council.

Mayor Pro Tem Klink said that Councilmember Bernal should be granted her 60 day leave of absence and remain a Councilmember. Once the 60 days has passed they can address the issue again if necessary.

Councilmember Benton echoed Mayor Pro Tem Klink's comments.

On a motion made by Councilmember Spear, seconded by Mayor Pro Tem Klink and carried with a 4-0-1 (Bernal absent) roll call vote, the City Council approved Councilmember Bernal's request for a 60 day leave of absence with a contingency that should Councilmember Bernal need further leave this item would be brought back before the Council.

**8.0 PUBLIC HEARINGS – None**

**9.0 REPORTS, REQUESTS AND COMMUNICATIONS – None**

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT**

10.1 Consideration of City Council Committee Assignments – Continued from November 22, 2005.

RECOMMENDATION: Review assignments and appoint members to fill various agency seats.

The City Council discussed the City Council assignments and assignments were issued as follows:

Council Organizational Assignments marked Exhibit "B".

On a motion made by Councilmember Benton, seconded by Mayor Pro Tem Klink and carried with a 4-0-1 (Bernal absent) voice vote the Council approved the City Council Assignments according to Exhibit "B".

**11.0 FUTURE COUNCIL INITIATED ITEMS**

City Manager Swigart spoke regarding Councilmember Spears prior request regarding street lighting on Highway 62 and Mariposa. He wanted to inform the City Council that he is working with Southern California Edison (SCE) and CalTrans. He then said that Mayor Pro Tem Klink had inquired about Lupine Ave. and that they hoped to have the re-stripping completed by mid January or as early as next week depending on the Contractor.

Councilmember Benton asked if the City had a plan of the street lighting. He expressed concern regarding how many street lights are out in our community.

City Manager Swigart said should the Council or someone in the community see a street light out, get the number on the pole and call City Hall and we will fax the information to SCE.

Mayor Cole asked if we could get better lighting for our crosswalks at the Highway and Tamarisk as well as the one on Adobe Road.

**12.0 CLOSED SESSION**

12.1 Continued Closed Session Pursuant to Government Code Section 54957 Public Employees Performance Evaluation – City Manager

**13.0 ADJOURN** – The City Council meeting adjourned to Closed Session at 7:00 p.m. The Closed Session adjourned at 7:35 p.m. with no action taken.

Respectfully submitted,

Adda L. Harris  
Deputy City Clerk